

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DANNY ALLEN, JR., Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. WELLS FARGO AUTO FINANCE, INC., Defendant.

} Case No. 10-CV-2657-W (JMA)
} **ORDER (1) DEFERRING ISSUANCE
OF FED. R. CIV. P. 26 DATES,
(2) SCHEDULING CASE
MANAGEMENT CONFERENCE AND
(3) REQUIRING FILING OF NOTICE
OF RELATED CASE**

The Court convened an Early Neutral Evaluation Conference on March 30, 2011. During the conference, counsel advised the Court that mediation is scheduled in early June in a case entitled *Malta v. Wells Fargo Bank, N.A.*, Case No. 10-CV-1290-L (NLS). According to counsel, the allegations in *Malta* are similar to the allegations in this case, and a settlement in *Malta* could lead to a settlement of the claims asserted in this case. The parties accordingly requested that the Court defer issuing Fed. R. Civ. P. 26 dates and a pretrial schedule until after the mediation in *Malta*. Accordingly:

- 24 1. Upon good cause appearing, the Court hereby **DEFERS** the issuance of Rule
25 26 dates at this time.
- 26 2. The Court will convene a telephonic Case Management Conference on June
27 17, 2011 at 9:30 a.m. Counsel for each party shall appear for the conference. The
28 Court will initiate the conference call.

3. Pursuant to Civil Local Rule 40.1:

Whenever counsel has reason to believe that a pending action or proceeding on file or about to be filed is related to another pending action or proceeding on file in this or any other federal or state court . . . , counsel must promptly file and serve on all known parties to each related action or proceeding a notice of related case, stating the title, number and filing date of each action or proceeding believed to be related, together with a brief statement of their relationship and the reasons why assignment to a single district judge is or is not likely to effect a saving of judicial effort and other economies. . . .

Civ. L.R. 40.1 e. The undersigned makes no finding as to whether this matter should be low-numbered to *Malta* under Civ. L.R. 40.1 d. However, the Court does believe it appropriate for counsel to file a notice of related case as required by Civ. L.R. 40.1 e.¹ Accordingly, counsel shall comply with the requirements of Civ. L.R. 40.1 e. by no later than April 6, 2011.

IT IS SO ORDERED.

DATED: April 1, 2011

Jan M. Adler
Jan M. Adler
U.S. Magistrate Judge

¹ Under Civil Local Rule 40.1, an action is “related” to another action when, *inter alia*, both of them involve the same parties and are based on the same or similar claims, or involve substantially the same facts and questions of law. Civ. L.R. 40.1 f. The defendants in this action and the *Malta* action, though not identical, are both, according to counsel, under the same Wells Fargo holding company. Counsel also acknowledge that the legal issues in both this case and *Malta* are the same.